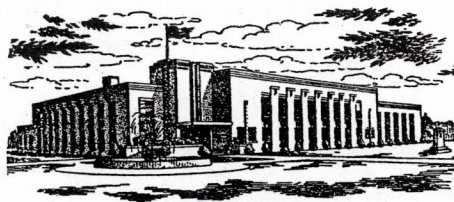


Wes McCart
District No. 1

Don Dashiell
District No. 2

Steve Parker
District No. 3



Stevens County Commissioners

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Clerk of the Board

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Assistant Clerk

Lois Haag
Assistant Clerk

September 18, 2018

VIA ELECTRONIC FILING

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street SW
Washington, District of Columbia 20554

RE: Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment, WC Docket No. 17-84; Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment, WT Docket No. 17-79

Dear Ms. Dortch,

Thank you for the opportunity to submit comments on the above mentioned FCC Proposal on behalf of the citizens of Stevens County, Washington and the Stevens County/Spokane Tribe Broadband Action Team. This community, grassroots team was formed in 2016 to provide a cross-functional team working together to bring broadband to rural, remote Stevens County, Washington. The team is led by Washington State University Extension and has active participation by representatives from public safety, healthcare, education, economic development, the Spokane Tribe, local, state and federal agency staff working together to represent the interests of the citizens of Stevens County.

We write to express our concerns over the Federal Communications Commission's proposed Declaratory Ruling and Third Report and Order regarding state and local governance of small cell wireless infrastructure deployment.

While we share the Commission's objective of finding new ways to effectively deploy broadband technologies, especially in underserved, rural communities, we are concerned that the proposed language would significantly impede local governments' ability to serve as trustees of public property, safety and welfare. Counties own substantial amounts of public rights-of-way, which many communication providers use to construct their own communications networks. The proposed order would significantly narrow the amount of time for local governments to evaluate 5G deployment applications from communication providers – effectively hindering our ability to fulfill public health and safety responsibilities during the construction and modification of broadcasting facilities.

* The FCC's proposed new collocation shot clock category is too extreme. The proposal designates any preexisting structure, regardless of its design or suitability for attaching wireless equipment, as eligible for this new expedited 60 day shot clock. When paired with the FCC's previous decision exempting small wireless facilities from federal historic and environmental review, this places an unreasonable burden on local governments to prevent historic preservation, environmental, or safety harms to the community. The addition of up to three cubic feet of antenna and 28 cubic feet of additional equipment to a structure not originally designed to carry that equipment is substantial and may necessitate more review than the FCC has allowed in its proposal.

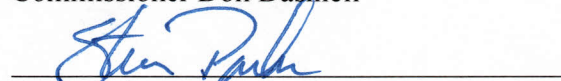
* The FCC's proposed definition of "effective prohibition" is overly broad. The draft report and order proposes a definition of "effective prohibition" that invites challenges to long-standing local rights of way requirements unless they meet a subjective and unclear set of guidelines. While the Commission may have intended to preserve local review, this framing and definition of effective prohibition opens local governments to the likelihood of more, not less, conflict and litigation over requirements for aesthetics, spacing, and undergrounding. Additionally, many of our rights of way were obtained for the purpose of roadways and therefore have clear zone safety requirements that must be adhered to. Positioning of broadband infrastructure must be done in a manner to not create transportation related safety concerns. Compliance with these requirements must be identified as not inclusive to the definition of "effective prohibition".

* The FCC's proposed recurring fee structure is an unreasonable overreach that will harm local policy innovation. We disagree with the FCC's interpretation of "fair and reasonable compensation" as meaning approximately \$270 per small cell site. Local governments share the federal government's goal of ensuring affordable broadband access for every American, regardless of their income level or address. That is why many cities have worked to negotiate fair deals with wireless providers, which may exceed that number or provide additional benefits to the community. Additionally, the Commission has moved away from rate regulation in recent years. Why does it see fit to so narrowly dictate the rates charged by municipalities in our rural, low-tax base, and low-income counties? Stevens County has established a reasonable fee schedule for utility franchises and permits to work within our rights of way. FCC's proposed fee structure undermines the authority of the County to charge reasonable fees to ensure cost recovery for the regulation and coordination of these activities.

Stevens County has worked with private business to build the best broadband infrastructure possible for our residents. We oppose this effort to restrict local authority and stymie local innovation, while limiting the obligations providers have to our community. We urge you to oppose this declaratory ruling and report and order.

Respectfully submitted,

BOARD OF COUNTY COMMISSIONERS
OF STEVENS COUNTY, WASHINGTON


Chairman Wes McCart
Commissioner Don Dashiell
Commissioner Steve Parker

BOCC:pc